UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ART UNIT	PAPER NUMBER
2177	6

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	09/710,955	ANDERSON ET AL.
	Examiner	Art Unit
	Khanh B. Pham	2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *14 November 2000* .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5* .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   **Claims 1-2, 4-17 are rejected under 35 U.S.C. 102(e)** as being anticipated by

Bouve et al. (U.S. 5,682,525 A), hereinafter referred to as "Bouve".

As per claim 1, Bouve teaches a method for searching a database in an

information retrieval system, comprising the steps of:

- "creating a database for storing at least geographical location information for

   each of a plurality of items of interest" at Col. 2 lines 14-17;

- "receiving geographical location information corresponding to a location of a

   user's mobile communications device" at Col. 10 lines 28-42;

- "receiving a request to search the database for items of interest located in a

   vicinity of a geographical location specified by a user, wherein the specified

   geographical location corresponds to the received geographical location

   information" at Col. 10 lines 28-42 ; and

- "generating a search query for items of interest within a radial distance of the

   geographical location" at Col. 6 lines 38-52.

As per claim 2, Bouve teaches the method of searching a database according to claim 1, wherein "the specified geographical location corresponds to the present location of the user's mobile communications device" at Col. 2 lines 32-52.

As per claim 4, Bouve teaches the method for searching a database according to claim 2, wherein "the geographical location information determined by a GPS receiver within the user's communication device" at Col. 10 line 61 to Col. 11 line 1.

As per claim 5, Bouve teaches the method for searching a database according to claim 1, further comprising the steps of: "calculating a radial distance surrounding the specified graphical location and searching for items of interest at geographical locations within the calculated radial distance" at Col. 5 lines 14-21.

As per claim 6, Bouve teaches the method for searching a database according to claim 1, wherein "the geographical location specified by the user is a previous location of the user's mobile communications device" at Col. 5 lines 25-39.

As per claim 7, Bouve teaches the method for searching a database according to claim 1, wherein "geographical location specified by the user is a location known to the system and is then personalized by the user for a future search as a personalized landmark for a radial search" at Col. 6 line 61 to Col 7 line 18.

As per claim 8, Bouve teaches the method for searching a database according to claim 6, further comprising the steps of:

- "receiving a name specified by the user for the specified geographical location; storing the specified name and corresponding geographical location information as an entry in a locations table" at Col. 6 line 61 to Col 7 line 18;

- upon receiving a request to search for items of interest. in the vicinity of a geographical location specified by name, (i) searching the locations table for the specified name, and (ii) providing the geographical location information corresponding to the specified name in a search query" at Col. 6 line 61 to Col 7 line 18.

As per claim 9, Bouve teaches the method for searching a database according to claim 8, further comprising the step of "digitally encoding an audio speech signal of the specified name, wherein the digitally encoded signal identifies a specific location and is stored in the locations table" at Col. 6 lines 15-23, and Col. 10 lines 28-42.

As per claim 10, Bouve teaches the method for searching a database according to claim 8, "wherein the user pre-configures the locations table with geographical locations at which the user intends to search" at Col. 12 lines 35-45.

As per claim 11, Bouve teaches the method for searching a database according to claim 8, further comprising the steps of:

- "requesting a user identification before storing a specified name and corresponding location information in the locations table" at Col. 12 lines 25-45;

- "requesting a user identification before searching the locations table, wherein the specified names and corresponding locations are stored according to the user identification" at Col. 12 lines 25-45.

As per claim 12, Bouve teaches an information retrieval system for identifying items of interest located within a vicinity of a user-specified geographical location, comprising:

- "a database records unit for storing a plurality of information about a plurality of
  items of interest, including a name of each item of interest search, criteria
  associated with each item of interest, and a corresponding geographical location
  for each item of interest, and a corresponding geographical location for each item
  of interest" at Col. 2 lines 10-31;

- "a geographic locations processor for receiving a user-specified geographical
  location for searching the database records unit" at Col. 11 lines 3-14;

- "a database index for generating a search query including the user- specified
  geographical location" at Col. 2 lines 25-30.

As per claim 13, Bouve teaches the information retrieval system according to claim

12, further comprising "a question generator table for prompting a user to provide a

user-specified geographical location for searching the database records unit" at Col. 10

lines 28-42.

As per claim 14, Bouve teaches the information retrieval system according to claim

13, wherein "the question generator table provides digitized audio speech signals as

prompts to a user's mobile communications device" at Col. 10 lines 28-42.

As per claim 15, Bouve teaches the information retrieval system according to claim

14, wherein "the information retrieval system digitally encodes responses to the prompts

to create the search query in the database index" at Col. 10 lines 28-42.

As per claim 16, Bouve teaches the information retrieval system according to claim

12, wherein "the geographic locations processor processes user-specified location

information provided by a users mobile communications device and provides location

information to a database index for generating a search query" at Col. 11 lines 1-15.

As per claim 17, Bouve teaches the information retrieval system according to claim

16, further comprising:

- "geographic locations name encoder for receiving and encoding user-specified

  geographic location names corresponding to geographical location information

  provided by a user's mobile communication device" at Col. 6 lines 38-52;

- "a geographic location database for storing encoded user-specified geographical

  location names and corresponding geographical location information provided by

  users for future database searches" at Col. 6 line 61 to Col. 7 line 19.

3.   **Claims 18-25 are rejected under 35 U.S.C. 102(e)** as being anticipated by

Chang et al. (US 2002/0052674 A1); hereinafter referred to as "Chang".

As per claim 18, Chang teaches a method for performing a search on an

information retrieval system to identify items of interest in a vicinity of a user-specified

geographical location, comprising the steps of:

- "providing informative prompts to prompt a user to provide search criteria" at

  page 4, [0063]

- "detecting a request by the user to search for items of interest in a vicinity of the

  user's present location" at page 4, [0063];

- "requesting geographical location information from a user's communication network carrier, representing a present geographical location of the user's communication device" at page 8, [0113];

- "receiving geographical location information provided by the user's network carrier, and generating a search query for items of interest within a radial distance of the present location of the user's communication device" at page 8, [0114] - [0116].

As per claim 19, Chang teaches the method for performing a search according to claim 18, wherein "the geographical location information provided by the user's network carrier is the cellular site in which the user's communication device is registered, and the information retrieval system searches for items of interest in the identified cellular site and neighboring cellular sites" at page 8, [0113].

As per claim 20, Chang teaches the method of searching according to claim 18, wherein "the geographical location information provided by the use's network comprises geocoded geographical coordinates of the user's communication device" at page 8, [0111].

As per claim 21, Chang teaches the method of searching according to claim 18, wherein "the user's communication device is a landline telephone, and the location information provided by the user's network is an address" at page 1, [0011].

As per claim 22, Chang teaches the method of searching according to claim 18, wherein "the radial distance is determined such that a minimum number of search results will be identified by the search" at page 5, [0070] – [0071].

As per claim 23, Chang teaches the method of searching according to claim 22, wherein "the radial distance is determined by business density information stored according to zip code" at page 1, [0011].

As per claim 24, Chang teaches a method for performing a search on an information retrieval system to identify items of interest in a vicinity of a user-specified geographical location, comprising the steps of:

- "configuring a table of names of geographical locations specified by a user and geographical location corresponding to the names" at page 2, [0017];

- "detecting a request by the user to search for items of interest in a vicinity of a location stored in the table; receiving a name of a geographical location" at page 2, [0018];

- "searching the table for the named geographical location and the corresponding location information" at page 2, [0018]; and

- "generating a search query for items of interest in the vicinity of the named geographical location" at page 2, [0018].

As per claim 25, Chang teaches a method for searching an information retrieval system for items of interest in a vicinity of a user-specified location, comprising the steps of:

- "detecting a request by a user to search for items of interest in a vicinity of a user-specified location" at page 2, [0018];

- "determining whether the user requests to search according to the user's present location or a location stored in a table of locations pre-configured by the user" at page 2, [0019];

- "if the user request is to search according to the present location, requesting location information from a network carrier for the user's mobile communications device" at page 8, [0113];

- "if the user request is to search according to geographical location information provided in the pre-configured table of locations, requesting location information from the pre-configured table of locations" at page 2, [0019];

- "generating a search query using the provided geographical location information" at page 2, [0019]

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claim 3 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Bouve (US 5,682,525) and in view of Chang (US 2002/0052674 A1).

As per claim 3, Bouve teaches the method of searching a database according to claim 2 as stated above. The difference between Bouve and the invention of claim 3 is that Bouve does not teaches: "the geographical location information is determined by

triangulation of control signal strength received at cell towers surrounding the user's

communication device" as claimed.

However, it is well known in the art, as exemplified by Chang, to determine the

geographic location information of mobile communication devices "by triangulation of

control signal strength received at cell towers surrounding the user's communication

device". (page 8, [0113]). Thus, it would have been obvious to those of ordinary skill in

the art at the time of the invention to modify Bouve to employ Chang's triangulation

method in order to accurately determine the user's geographic location.

Conclusion

6.   The prior art made of record, listed on form PTO-892, and not relied upon, if any,

is considered pertinent to applicant's disclosure.

If a reference indicated as being mailed on PTO-FORM 892 has not been

enclosed in this action, please contact Lisa Craney whose telephone number is **(703)**

305-9601 for faster service.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Khanh B. Pham whose telephone number is (703) 308-

7299. The examiner can normally be reached on Monday through Friday 7:30am to

4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John E Breene can be reached on (703) 305-9790. The fax phone numbers

for the organization where this application or proceeding is assigned are (703) 746-7239

for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703)746-

7240.

Khanh B. Pham
Examiner
Art Unit 2177

SRIRAMA CHANNAVAJJALA
PRIMARY EXAMINER

KBP
April 2, 2003

MA CHANNAVAJJALA
MARY EXAMINER